

MICHELE LOUISE GIGUIERE
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(916) 967-6884

Attorney In Pro Se

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

| | | |
|--------------------------|---|---------------------------------|
| In re |) | CASE NO: 10-28661-C-7 |
| |) | NOTICE OF MOTION BY |
| MICHELE LOUISE GIGUIERE, |) | DEBTOR FOR ORDER COMPELLING |
| Debtor. |) | TRUSTEE TO ABANDON |
| |) | DEBTOR'S PROPRIETORSHIP |
| |) | BUSINESS |
| | | Date: July 20, 2010 |
| | | Time: 9:30 a.m. |
| | | Dept: 35, 6 th Floor |

TO ALL INTERESTED PARTIES:

NOTICE IS HEREBY GIVEN that on July 20, 2010 at 9:30 a.m., or as soon thereafter as the matter may be heard, in Department 35 of the above-entitled court, located at 501 I Street, Sacramento, California 95814, Debtor, Michele Louise Giguiere, will move the court for an order compelling the Trustee to abandon the Debtor's proprietorship business and the physical assets of the business.

This motion will be brought on the grounds that the business, per se, is of nominal or no value, and the physical assets thereof do not contain any tools of the trade or business equipment which can be profitably liquidated by the Trustee over and above the exemptions claimed by Debtor. This motion is further brought on the grounds that it is counter to the interests of the bankruptcy estate for the Trustee to be burdened

1 with the potential liability associated with the continued
2 operation of the business during the bankruptcy period.

3 This motion will be based on this notice of motion, on
4 the attached motion by debtor for order compelling Trustee to
5 abandon Debtor's proprietorship business and on the declaration
6 of Michele Louise Giguere and on all of the documents on file
7 herein and on such other and further evidence as may be presented
8 at the hearing.

9 Date: July 17, 2010


MICHELE LOUISE GIGUIERE

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UNITED STATES BANKRUPTCY COURT

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EASTERN DISTRICT OF CALIFORNIA

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In re

)

CASE NO: 10-28661-C-7

10

MICHELE LOUISE GIGUIERE,
Debtor.

)

MOTION BY DEBTOR FOR ORDER
COMPELLING TRUSTEE TO ABANDON
DEBTOR'S PROPRIETORSHIP
BUSINESS

11

)

12

Date: July 20, 2010

13

Time: 9:30 a.m.

Dept: 35, 6th Floor

14

MICHELE LOUISE GIGUIERE, Debtor herein moves this Court
for an order compelling abandonment of the Estate's interest in
Debtor's Business and physical assets of the business, and
respectfully represents:

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1. This case was commenced by the filing of a
voluntary petition under Chapter 7 of the United States
Bankruptcy Code on April 5, 2010.

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2. Pursuant to 11 U.S.C. 554(b) and Bankruptcy Rule
6007(b), Debtor requests that the court order the business known
as Michele Louise Giguiere, Attorney at Law and located at 5330
Primrose Drive, Suite 230, Fair Oaks, CA 95628 be deemed
abandoned. Additionally as shown by the petition and the
schedules, Debtor requests that the tools of the trade and
equipment be deemed abandoned. The tools of the trade and
equipment include the following: law books (the majority of

1 which are two years out of date), office equipment and supplies
2 consisting of two desks (28 years old), two credenzas (28 years
3 old), three free standing book cases (15 years old), three file
4 cabinets (28 years old), one copy machine (8 years old), one
5 refrigerator (9 years old), one microwave oven (4 years old), two
6 computers (4 years old), one printer (8 years old), 10 chairs (7
7 to 28 years old), two typewriters (12 years old) and two
8 typewriter stands (12 years old), a small round table and chairs
9 (8 years old), miscellaneous office supplies and stationery, Bank
10 of America account #6756, Bank of America account #7970, and
11 accounts receivable (fully valued however approximately 65%
12 collectible).

13 3. The basis of this motion is that the business, per
14 se, is of nominal or no value, and it is counter to the interests
15 of the bankruptcy estate to be burdened with the potential
16 liability associated with the continued operation of the business
17 during the bankruptcy period.

18 4. The Debtor's tools of the trade and other business-
19 related assets, if any, have been disclosed in the schedules and
20 there do not appear to be any tools of the trade or business
21 equipment which can be profitably liquidated by the Trustee over
22 and above the exemptions claimed by Debtor. Additionally, the
23 conduct of the business by the debtor merely provides for
24 Debtor's "wages", and the ability of Debtor to continue to earn a
25 living in this manner is wholly consistent with the concept of
26 providing the debtor with a fresh start.

27 4. As shown in Debtor's petition and schedules, the
28 relief requested would not impede creditor's rights and would

1 enable the Chapter 7 trustee to satisfy concerns as to potential
2 liability.

3 WHEREFORE, Debtor prays judgment as follows:

4 1. For an order compelling the trustee to abandon
5 Debtor's proprietorship business and the physical assets
6 thereof;

7 2. For such other and further relief as the court may
8 deem just and proper.

9 Date: June 17, 2010

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11 MICHELE LOUISE GIGUIERE
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6 UNITED STATES BANKRUPTCY COURT

7 EASTERN DISTRICT OF CALIFORNIA

8 In re) CASE NO: 10-28661-c-7
9) MOTION NO: MLG-1
MICHELE LOUISE GIGUIERE,)
10 Debtor.) PROOF OF SERVICE BY MAIL
Date: July 20, 2010
11) Time: 9:30 a.m.
Dept: 35, 6th Floor

12 I am over the age of 18 years, employed in the County
13 of Sacramento, California and not a party to the within action.
14 My business address is P.O. Box 662, Cedar Ridge, CA 95624.
15 On June 20, 2010 I served the within notice of motion by debtor
16 for order compelling trustee to abandon debtor's proprietorship
17 business and physical assets thereof, motion for order compelling
18 trustee to abandon debtor's proprietorship business, and
19 declaration of Michele Louise Giguiere in said action by placing
20 a true copy thereof enclosed in a sealed envelope with postage
21 thereon fully prepaid, in the United States mail at Sacramento
22 County, CA addressed as follows:

23 John Roberts, Chapter 7 Trustee, P.O. Box 1506, Placerville, CA
24 95667

25 Office of the U.S. Trustee, Courthouse, 501 I street, Room 7-500,
26 Sacramento, CA 95814

27 I declare under penalty of perjury that the
28 foregoing is true and correct and that this declaration was

1 executed on June 20, 2010 in Sacramento County, California.

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CHERI LORAY MAJOR

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UNITED STATES BANKRUPTCY COURT

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EASTERN DISTRICT OF CALIFORNIA

| | | | |
|----|--------------------------|---|-------------------------------|
| 9 | In re |) | CASE NO: 10-28661-C-7 |
| | |) | DECLARATION OF MICHELE LOUISE |
| 10 | MICHELE LOUISE GIGUIERE, |) | GIGUIERE IN SUPPORT OF MOTION |
| | |) | FOR ORDER COMPELLING |
| 11 | Debtor. |) | TRUSTEE TO ABANDON DEBTOR'S |
| | |) | PROPRIETORSHIP BUSINESS |

12

Date: July 20, 2010

13

Time: 9:30 a.m.

14

Dept: 35, 6th Floor

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I, MICHELE LOUISE GIGUIERE, declare as follows:

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17 1. I have personal knowledge of the matters attested
18 to herein and if called to testify, I would so testify
competently.

19

20 2. I filed my petition on April 5, 2010 in the above-
entitled case. JOHN ROBERTS was appointed to serve as Trustee.

21

22 3. As shown in the filed schedules of this case, I
23 operate a professional business as an attorney at law. All of
24 the assets related to the operation of my business (including
25 equipment, furniture and supplies, tools of the trade and
26 accounts receivable) have been set forth in the petition and
27 schedules. There does not appear to be any business related
28 assets that can be profitably liquidated by the Trustee over and
above the exemptions as claimed. The schedules as filed with the

1 Court are incorporated herein by this reference. Additionally,
2 I have listed in the moving papers the equipment, furniture and
3 supplies, tools of the trade and accounts receivable and the
4 approximate ages of the same showing that the assets cannot be
5 profitably liquidated by the Trustee and at best may be
6 overvalued by me.

7 4. As shown in the filed petition and schedules, all
8 tools of the trade and equipment as set forth above, are of
9 modest values and have been fully exempted. Additionally, the
10 requested relief would not impede creditor's rights and would
11 enable the Chapter 7 Trustee to satisfy concerns as to potential
12 liability.

13 5. The conduct of the business known as Michele Louise
14 Giguiere merely provides wages and the ability to continue to
15 earn a living in this manner is wholly consistent with the
16 concept of providing a fresh start.

17 I declare under penalty of perjury that the foregoing
18 is true and correct and that this declaration was executed on
19 June 17, 2010 in Sacramento, California.

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22 MICHELE LOUISE GIGUIERE
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